

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

HARRY EUGENE BROWN §  
§  
Petitioner §  
VS. § CIVIL ACTION NO. 2:12-CV-00374  
§  
UNITED STATES OF AMERICA §

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION**

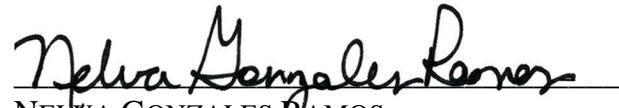
On May 21, 2013, United States Magistrate Judge B. Janice Ellington issued her “Memorandum and Recommendation” (D.E. 19). The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been filed.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s Memorandum and Recommendation (D.E. 19), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the Respondent’s Motion to Dismiss (D.E. 18) is **GRANTED IN PART** with respect to the Petitioner’s failure to

exhaust administrative remedies and **DENIED IN PART** with respect to the challenge to jurisdiction based on ripeness. Respondent's motion to expand the record is **GRANTED**. Petitioner's application for *habeas corpus* relief is **DISMISSED WITHOUT PREJUDICE**.

ORDERED this 28th day of June, 2013.

  
\_\_\_\_\_  
NELVA GONZALES RAMOS  
UNITED STATES DISTRICT JUDGE